



General Assembly

Substitute Bill No. 5683

February Session, 2000

***An Act Concerning Freedom Of Information And Security In
State Facilities.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 3 of public act 99-220 is repealed
2 and the following is substituted in lieu thereof:

3 (b) No provision of the Freedom of Information Act, as defined in
4 section 1-200 of the general statutes, shall be construed to require the
5 disclosure of [data] records in any form concerning (1) security
6 measures in state-owned or leased facilities, (2) security audit
7 recommendations for state-owned or leased facilities, or (3) future
8 security measures to be implemented in state-owned or leased
9 facilities.

10 Sec. 2. Subsection (a) of section 6 of public act 99-220 is repealed and
11 the following is substituted in lieu thereof:

12 (a) On or after October 1, 1999, the Commissioner of Public Works
13 shall determine whether each renovation project for a state agency
14 building or structure under title 4b of the general statutes would have
15 a significant impact on the security characteristics of the building or
16 structure. If the commissioner determines that the project would have
17 a significant impact on such security characteristics, the commissioner
18 shall review the preliminary design for the project for compliance with

19 the security standards established under section 4 of [this act] public
20 act 99-220. The commissioner shall not approve any such preliminary
21 design unless (1) the building or structure has had a security audit and
22 (2) the commissioner determines, based on such review and audit, that
23 such preliminary design meets or exceeds such security standards.

24 Sec. 3. Subsections (b) to (d), inclusive, of section 1-210 of the
25 general statutes, as amended by section 1 of public act 99-156, are
26 repealed and the following is substituted in lieu thereof:

27 (b) Nothing in the Freedom of Information Act shall be construed to
28 require disclosure of:

29 (1) Preliminary drafts or notes provided the public agency has
30 determined that the public interest in withholding such documents
31 clearly outweighs the public interest in disclosure;

32 (2) Personnel or medical files and similar files the disclosure of
33 which would constitute an invasion of personal privacy;

34 (3) Records of law enforcement agencies not otherwise available to
35 the public which records were compiled in connection with the
36 detection or investigation of crime, if the disclosure of said records
37 would not be in the public interest because it would result in the
38 disclosure of (A) the identity of informants not otherwise known or the
39 identity of witnesses not otherwise known whose safety would be
40 endangered or who would be subject to threat or intimidation if their
41 identity was made known, (B) signed statements of witnesses, (C)
42 information to be used in a prospective law enforcement action if
43 prejudicial to such action, (D) investigatory techniques not otherwise
44 known to the general public, (E) arrest records of a juvenile, which
45 shall also include any investigatory files, concerning the arrest of such
46 juvenile, compiled for law enforcement purposes, (F) the name and
47 address of the victim of a sexual assault under section 53a-70, as
48 amended, 53a-70a, as amended, 53a-71, 53a-72a, 53a-72b, as amended,
49 or 53a-73a, or injury or risk of injury, or impairing of morals under
50 section 53-21, or of an attempt thereof, or (G) uncorroborated

51 allegations subject to destruction pursuant to section 1-216;

52 (4) Records pertaining to strategy and negotiations with respect to
53 pending claims or pending litigation to which the public agency is a
54 party until such litigation or claim has been finally adjudicated or
55 otherwise settled;

56 (5) Trade secrets, which for purposes of the Freedom of Information
57 Act, are defined as unpatented, secret, commercially valuable plans,
58 appliances, formulas or processes, which are used for the making,
59 preparing, compounding, treating or processing of articles or materials
60 which are trade commodities obtained from a person and which are
61 recognized by law as confidential, and commercial or financial
62 information given in confidence, not required by statute;

63 (6) Test questions, scoring keys and other examination data used to
64 administer a licensing examination, examination for employment or
65 academic examinations;

66 (7) The contents of real estate appraisals, engineering or feasibility
67 estimates and evaluations made for or by an agency relative to the
68 acquisition of property or to prospective public supply and
69 construction contracts, until such time as all of the property has been
70 acquired or all proceedings or transactions have been terminated or
71 abandoned, provided the law of eminent domain shall not be affected
72 by this provision;

73 (8) Statements of personal worth or personal financial data required
74 by a licensing agency and filed by an applicant with such licensing
75 agency to establish his personal qualification for the license, certificate
76 or permit applied for;

77 (9) Records, reports and statements of strategy or negotiations with
78 respect to collective bargaining;

79 (10) Records, tax returns, reports and statements exempted by
80 federal law or state statutes or communications privileged by the

81 attorney-client relationship;

82 (11) Names or addresses of students enrolled in any public school or
83 college without the consent of each student whose name or address is
84 to be disclosed who is eighteen years of age or older and a parent or
85 guardian of each such student who is younger than eighteen years of
86 age, provided this subdivision shall not be construed as prohibiting the
87 disclosure of the names or addresses of students enrolled in any public
88 school in a regional school district to the board of selectmen or town
89 board of finance, as the case may be, of the town wherein the student
90 resides for the purpose of verifying tuition payments made to such
91 school;

92 (12) Any information obtained by the use of illegal means;

93 (13) Records of an investigation or the name of an employee
94 providing information under the provisions of section 4-61dd;

95 (14) Adoption records and information provided for in sections 45a-
96 746, as amended, 45a-750 and 45a-751;

97 (15) Any page of a primary petition, nominating petition,
98 referendum petition or petition for a town meeting submitted under
99 any provision of the general statutes or of any special act, municipal
100 charter or ordinance, until the required processing and certification of
101 such page has been completed by the official or officials charged with
102 such duty after which time disclosure of such page shall be required;

103 (16) Records of complaints, including information compiled in the
104 investigation thereof, brought to a municipal health authority pursuant
105 to chapter 368e or a district department of health pursuant to chapter
106 368f, until such time as the investigation is concluded or thirty days
107 from the date of receipt of the complaint, whichever occurs first;

108 (17) Educational records which are not subject to disclosure under
109 the Family Educational Rights and Privacy Act, 20 USC 1232g;

110 (18) Records, the disclosure of which the Commissioner of

111 Correction has reasonable grounds to believe may result in a safety
112 risk, including the risk of harm to any person or the risk of an escape
113 from, or a disorder in, a correctional institution or facility under the
114 supervision of the Department of Correction. Such records shall
115 include, but are not limited to:

116 (A) Security manuals, including emergency plans contained or
117 referred to in such security manuals;

118 (B) Engineering and architectural drawings of correctional
119 institutions or facilities;

120 (C) Operational specifications of security systems utilized by the
121 Department of Correction at any correctional institution or facility,
122 except that a general description of any such security system and the
123 cost and quality of such system, may be disclosed;

124 (D) Training manuals prepared for correctional institutions and
125 facilities that describe, in any manner, security procedures, emergency
126 plans or security equipment;

127 (E) Internal security audits of correctional institutions and facilities;

128 (F) Minutes or recordings of staff meetings of the Department of
129 Correction, or portions of such minutes or recordings, that contain or
130 reveal information relating to security or other records otherwise
131 exempt from disclosure under this subdivision;

132 (G) Logs or other documents that contain information on the
133 movement or assignment of inmates or staff at correctional institutions
134 or facilities; and

135 (H) Records that contain information on contacts between inmates,
136 as defined in section 18-84, and law enforcement officers.

137 (19) Records, the disclosure of which the Commissioner of Public
138 Works or, in the case of records concerning Judicial Department
139 facilities, the Chief Court Administrator, has reasonable grounds to

140 believe may result in a safety risk, including the risk of harm to any
141 person, any state-owned or leased institution or facility or any fixture
142 or appurtenance and equipment attached to, or contained in, such
143 institution or facility. Such records shall include, but are not limited to:

144 (A) Security manuals or reports, including emergency plans
145 contained or referred to in such security manuals;

146 (B) Engineering and architectural drawings of state-owned or leased
147 institutions or facilities;

148 (C) Operational specifications of security systems utilized at any
149 state-owned or leased institution or facility, except that a general
150 description of any such security system and the cost and quality of
151 such system, may be disclosed;

152 (D) Training manuals prepared for state-owned or leased
153 institutions or facilities that describe, in any manner, security
154 procedures, emergency plans or security equipment;

155 (E) Internal security audits of state-owned or leased institutions or
156 facilities;

157 (F) Minutes or recordings of meetings of the Department of Public
158 Works or the Judicial Department, or portions of such minutes or
159 recordings, that contain or reveal information relating to security or
160 other records otherwise exempt from disclosure under this
161 subdivision; and

162 (G) Logs or other documents that contain information on the
163 movement or assignment of security personnel at state-owned or
164 leased institutions or facilities.

165 (c) Whenever a public agency receives a request from any person
166 confined in a correctional institution or facility, for disclosure of any
167 public record under the Freedom of Information Act, the public agency
168 shall promptly notify the Commissioner of Correction of such request,
169 in the manner prescribed by the commissioner, before complying with

170 the request as required by the Freedom of Information Act. If the
171 commissioner believes the requested record is exempt from disclosure
172 pursuant to subdivision (18) of subsection (b) of this section, the
173 commissioner may withhold such record from such person when the
174 record is delivered to the person's correctional institution or facility.

175 (d) Whenever a public agency, except the Judicial Department,
176 receives a request from any person for disclosure of any records
177 described in subdivision (19) of subsection (b) of this section under the
178 Freedom of Information Act, the public agency shall promptly notify
179 the Commissioner of Public Works of such request, in the manner
180 prescribed by the commissioner, before complying with the request as
181 required by the Freedom of Information Act. If the commissioner
182 believes the requested record is exempt from disclosure pursuant to
183 subdivision (19) of subsection (b) of this section, the commissioner may
184 direct the agency to withhold such record from such person. In any
185 appeal brought under the provisions of section 1-206 of the Freedom of
186 Information Act for denial of access to records for any of the reasons
187 described in subdivision (19) of subsection (b) of this section, such
188 appeal shall be against the Commissioner of Public Works, exclusively,
189 or, in the case of records concerning Judicial Department facilities, the
190 Chief Court Administrator.

191 ~~[(d)]~~ (e) Notwithstanding the provisions of subdivisions (1) and (16)
192 of subsection (b) of this section, disclosure shall be required of:

193 (1) Interagency or intra-agency memoranda or letters, advisory
194 opinions, recommendations or any report comprising part of the
195 process by which governmental decisions and policies are formulated,
196 except disclosure shall not be required of a preliminary draft of a
197 memorandum, prepared by a member of the staff of a public agency,
198 which is subject to revision prior to submission to or discussion among
199 the members of such agency;

200 (2) All records of investigation conducted with respect to any
201 tenement house, lodging house or boarding house as defined in section

202 19a-355, or any nursing home, residential care home or rest home, as
203 defined in section 19a-490, by any municipal building department or
204 housing code inspection department, any local or district health
205 department, or any other department charged with the enforcement of
206 ordinances or laws regulating the erection, construction, alteration,
207 maintenance, sanitation, ventilation or occupancy of such buildings;
208 and

209 (3) The names of firms obtaining bid documents from any state
210 agency.

211 Sec. 4. This act shall take effect from its passage.

GAE Committee Vote: Yea 22 Nay 0 JFS